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SUBJECT: NINEWA: A POSITIVE NOTE ON ARTICLE 140 IN SINJAR

REF: A. (A) 06 BAGHDAD 04017
 [I](#)B. (B) BAGHDAD 00559

Classified By: Ninewa PRT Team Leader James Knight: 1.4 (B) and (D)

This is a Ninewa Provincial Reconstruction Team (PRT) message.

[¶](#)1. (SBU) Team Leader Knight and other PRT members visited the Ninewa Province Article 140 Office in Sinjar 10 June, to assess current execution of the Iraqi Constitution's Article 140 mandate for resolution of 'disputed territories' targeted for incorporation by the Kurdistan Regional Government (KRG). Business was brisk at the office, but Office Director Saeed Jaradu Matto and his legal advisor readily interrupted operations to brief PRT staff.

[¶](#)2. (SBU) The 'normalization' process foreseen by Article 140 is proceeding on the basis of the 1957 Iraqi census. A mandatory, tightly controlled and watermarked form is required of all individuals resettled through Saddam's Arabization program seeking to return to Sinjar. The form lists the relevant family's 1957 census record and Public Distribution System details. Supporting documents, including endorsements from the Ministry of Interior and Ministry of Trade offices responsible for these records are also required. (Note: Iraq's 1957 census is the most recent taken before mass resettlements under Ba'ath rule began. End note.)

[¶](#)3. (SBU) Responding to a Team Leader query, the Article 140 Office Director affirmed that resettlement requests are accepted and will be acted upon solely on the basis of confirmed residence of individuals or their immediate descendants from individuals recorded in the 1957 Sinjar census. Credible relationship to those individuals is the sole criteria for resettlement; neither ethnicity nor sectarian affiliation are relevant or considered.

[¶](#)4. (SBU) The Director continued that it is his understanding that the census called for (after normalization) by Article 140 will also be undertaken by and limited to individuals qualified by family inclusion in the 1957 census. He reiterated that this qualification does not entail consideration of ethnic or sectarian affiliation; Kurds, Arabs, Turcomans, Yezidis, and Christians may vote if they are recorded or are direct descendants of individuals listed in the 1957 census.

[¶](#)5. (SBU) When asked, the Director and his staff also confirmed that Article 140 subcommittees (which report to his office) are in place or planned for all Ninewa Districts expected to participate in Article 140 referenda. In the Director's view, normalization is proceeding well and there is no reason that the entire Article 140 process cannot meet its

current deadline (per text of Article 140 proper) of 31 December 2007.

¶6. (SBU) When asked how his office receives guidance on pursuit of the Article 140 process, the Director indicated its source is the central Article 140 committee in Baghdad. However, none of the guidance he has received is formal except for the resettlement forms and occasional letters; most guidance is verbal and delivered at meetings or through telephone conversations.

¶7. (C) Comment: As pursued in Ninewa, the Article 140 process is confused and ambiguous. Authorities in the various targeted districts have no common view of the process, in general or in detail. This confusion appears to reflect the lack of enabling Council of Representatives legislation and a similar lack of promulgated regulations and procedures from the Baghdad Article 140 committee or other GOI authorities. Provincial Article 140 offices and District and Sub-District offices are improvising on the basis of individual guesses of how the process is supposed to work. We remain urgently concerned that this ambiguity and the consequent opacity of the Article 140 process -- both for its Kurdish proponents and its non-Kurd resisters -- adds to the volatility it threatens in Ninewa.

¶8. (C) Comment continued: Despite these problems and the great risk the Article 140 process poses to political stability and security in Ninewa, decoupling ethnicity from Article 140's normalization, census, and referenda is a refreshing positive

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note. This decoupling does not resolve the contentious issues Article 140 presents, but -- if in fact now basic to its pursuit -- makes many of them more manageable. In particular, the status as minorities of Yezidis and Shabak becomes less relevant. Similarly, participation of all ethnic groups in the census and referenda is possible -- at least for representatives of those groups with credible ties to targeted districts according to the 1957 census. Equities of groups and individuals who have taken up residence in Sinjar or other targeted districts since 1957 -- up to 50 years ago -- remain unaddressed. End comment.

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